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565-9002

August 21, 2006

Hon. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings
AUG 22 2006
Part of
Public Record

RE: STB Finance Docket No. 34893, The Chicago,
Lake Shore And South Bend Railway Company
- Acquisition And Operation Exemption -
Norfolk Southern Railway Company

Dear Mr. Williams:


I am writing on behalf of The Chicago, Lake Shore And South Bend Railway Company ("CLS&SB"), applicant in the above-captioned proceeding.

On July 6, 2006, the Board published a decision noting that CLS&SB had filed a verified notice of exemption seeking to acquire approximately 3.2 miles of railroad trackage in and around South Bend, IN, which Norfolk Southern Railway Company had proposed to sell. Since then, the City of South Bend, the Sisters of the Holy Cross, and the Brothers of the Holy Cross, Inc. (Brothers), have filed petitions to revoke. Under the Board's rules, CLS&SB's reply would normally be due August 22, 2006. However, on August 15, 2006, Norfolk Southern Railway ("NSR") filed a request with the Board seeking that the case be dismissed and CLS&SB filed a letter asking that the proceeding be held in abeyance. Should either request be granted, that would moot or postpone the need to file a reply on August 22. However, the Board has not acted on either request as of today.

CLS&SB now requests that the Board grant it a 15 day extension for the date for filing its reply to the Petition to Revoke of the Brothers of the Holy Cross, Inc. ("the Brothers"). In support of its request, CLS&SB notes that the Board liberally grants such requests "for good cause" and has even done so despite opposition and on minimal notice. The circumstances warranting such relief here include the fact that NSR filed a surprise request for dismissal only four business days ago without any advance notice to CLS&SB or its counsel. Moreover, both of NSR's two counsel familiar with this matter were on vacation or out of the office until now. Finally, I will be on a long planned vacation starting tomorrow morning through August 28, 2006.

Accordingly, please grant CLS&SB a 15 day extension until September 6, 2006, to submit its reply. I am authorized to state that Richard Streeter, counsel for the Brothers, has no objection.

Sincerely yours,


John D. Heffner
Counsel

cc: All parties
Mr. Robert Harris
Mr. Gary Landrio